

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

NATHANIEL SHAW,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:07cv606-ID
)
D. T. MARSHALL, et al.,)
)
Defendants.)

ORDER

On October 19, 2007, Plaintiff Nathaniel Shaw filed a motion for leave to file notice of appeal, which the court construes as a motion for entry of final judgment made pursuant to Rule 54(b) of the Federal Rules of Civil Procedure or 28 U.S.C. § 1292(b).
(See Doc. No. 55.)

Rule 54(b) judgments are the exception, not the rule and, thus, are not granted as a matter of course. See Ebrahimi v. City of Huntsville Board of Educ., 114 F.3d 162, 165-66 (11th Cir. 1997) (“Rule 54(b) certifications ‘must be reserved for the unusual case in which the costs and risks of multiplying the number of proceedings and of overcrowding the appellate docket are outbalanced by pressing needs of the litigants for an early and separate judgment as to some claims or parties.’”) (citation omitted). Shaw has not demonstrated that the order he seeks to appeal involves a ruling for which “there is no just reason for delay,” as required by Rule 54(b). The court likewise is of the opinion that the order which Shaw seeks to appeal does not involve a controlling question

of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order would not materially advance the ultimate termination of the litigation. Accordingly, it is CONSIDERED and ORDERED that Shaw's motion be and the same is hereby DENIED.

DONE this 22nd day of October, 2007.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE